

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:23-cr-00159

MICHAEL WARREN SMITH, JR.,

Defendant.

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ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a three count Indictment. Counts 1-2 charge defendant with possession with intent to distribute and controlled substances, in violation of 21 U.S.C. §§ 841 (a)(1); and Count 3 charges him with felon in possession of firearms, in violation of 18 U.S.C. § 922(g)(1). Given the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that he is a danger to the community, 18 U.S.C. § 1342(f)(1) and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on January 5, 2024, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the statutory presumption of detention as to risk of non-appearance. The Court also finds, as

explained on the record, that the government has sustained its burden by clear and convincing evidence that he is a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on January 7, 2024.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge